

THE PARK LAW GROUP, LLC

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EASYTEX CORPORATION LIMITED,

Plaintiff,

v.

PETER & FRANK OF NY, CORP., CHUL KYU KIM a/k/a KIM CHUL KYU a/k/a CHUK CHUL KIM a/k/a ROBERT CHUL KIM a/k/a CHUL KYOO KIM a/k/a CHULKYOO KIM a/k/a KIM K. CHUL, BARO SHIPPING CO., LTD., TOP TEN TRANS, INC., GFA, INC., 3 WIN INC., MERCURY, AMERICAN INTERNATIONAL LINE, INC., SOON CHAN HONG a/k/a SOON C. HONG a/k/a SOONCHAN C. HONG a/k/a SOON CHAN HONG a/k/a CHAN S. HONG a/k/a HONG S. CHAN a/k/a HONG SOON CHANG d/b/a SOONCHAN HONG CUSTOM HOUSE BROKER, STOP & STOR, jointly and severally,

Defendants.

Civil Action No. 07-CV-03907-BSJ

ANSWER AND AFFIRMATIVE DEFENSES OF PLAINTIFF AND COUNTER DEFENDANT, EASYTEX CORPORATION LIMITED, TO COUNTERCLAIMS OF DEFENDANT AMERICAN INTERNATIONAL LINE, INC. (d/b/a Mercury)

ECF CASE

Plaintiff and Counter Defendant, Easytex Corporation Limited (“Easytex”), by way of Answer to Counterclaims of Defendant American International Line, Inc. (d/b/a Mercury) (“AIL”), states:

FIRST COUNT OF COUNTERCLAIM AGAINST PLAINTIFF

167. Easytex denies AIL's allegations in this paragraph that AIL is entitled to an apportionment of damages from Easytex.

SECOND COUNT OF COUNTERCLAIM

168. Easytex denies AIL's allegations in this paragraph that AIL is entitled to indemnification from Easytex.

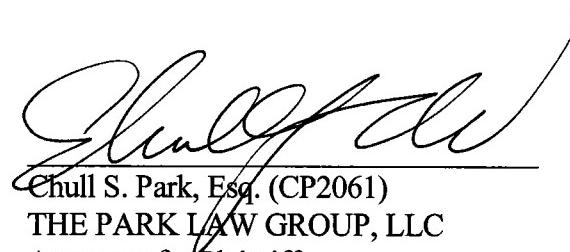
WHEREFORE, Easytex demands dismissal of the Counterclaims of AIL and for an award of counsel fees and costs and for such other and further relief as the Court may deem just and proper. Easytex reserves a right to file an appropriate motion to dismiss the Counterclaims of AIL.

AFFIRMATIVE DEFENSES

1. With respect to the Counterclaims, AIL fails to state a claim upon which relief can be granted.
2. AIL did not incur any damages as a result of Easytex's alleged conduct, which conduct is denied.
3. The Counterclaims are barred by the doctrine of unclean hands.
4. The Counterclaims are barred by the doctrine of estoppel.
5. AIL is barred from relief due to its failure to mitigate any alleged damages suffered by AIL.

WHEREFORE, Easytex demands dismissal of the Counterclaims of AIL and for an award of counsel fees and costs and for such other and further relief as the Court may deem just and proper. Easytex reserves a right to file an appropriate motion to dismiss the Counterclaims of AIL.

Dated: July 23, 2008



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CERTIFICATION OF SERVICE

I hereby certify that:

1. Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Defendant American International Line, Inc. (d/b/a Mercury) ("AIL") is being filed through the ECF system within the time set forth in the court rules with the:

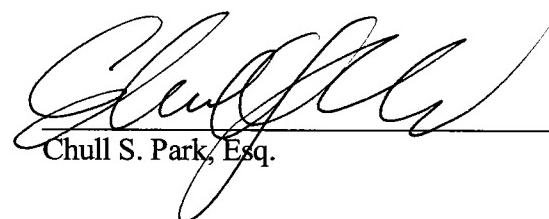
Clerk of Court
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
1st Floor
New York, New York 10007-1312; and

2. Pursuant to Section 1.E of the Individual Practices of Judge Barbara S. Jones, Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of AIL, is being forwarded to the Judge's Chamber by regular mail that is located as follows:

Honorable Barbara S. Jones
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

3. Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of AIL, is being served upon the attorneys on the attached service list through the Electronic Court Filing system within the time set forth in the court rules.

By:



Chull S. Park, Esq.

Dated: July 23, 2008

Easytex Corporation Limited v. Peter & Frank of NY, Corp., et al.,
ECF Case No. 07-cv-03907 (BSJ) (JCF)
1043.001

SERVICE LIST

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- | | | | |
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